

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40918/pm	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/ES 02/00500	International filing date (<i>day/month/year</i>) 22.10.2002	Priority date (<i>day/month/year</i>) 22.10.2002
International Patent Classification (IPC) or both national classification and IPC A63H18/16		
Applicant WINKLER INTERNATIONAL, SA et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 24.05.2004	Date of completion of this report 28.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Brumme, I Telephone No. +49 89 2399-7215

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/ES 02/00500

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 filed with telefax on 27.08.2004

Claims, Numbers

1-12 filed with telefax on 27.08.2004

Drawings, Sheets

1/4-4/4 filed with telefax on 01.10.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-4 141 553

D2: EP-A1-0 574 634

Documents **D1** is considered to be the most relevant state of the art and discloses (the references in parentheses applying to this document):

- A control system for and electric toy vehicle wherein the vehicle includes a micro motor wherein said vehicle moves on electro conductive tracks with a guide groove and said vehicle includes a current collector (see fig. 2 and col. 4, ln. 23-38).

Document **D2** disclosed:

- a control system comprising an RF transmitter for transmitting operational data to a vehicle,
- an RF receiver integrated in the vehicle,
- a digital control signal sent from said transmitter to said receiver composed of first pulses that carry an authentication code, wherein the receiver compares these codes with reference codes and only then proceeds further in receiving the second codes if the authentication codes are validated and theses signals are applied to a track which is capable of being temporarily shared by at least two vehicles equipped with said receivers (cf. abstract, col. 1, ln. 38-50 and col. 2, ln. 50 to col. 3, ln. 29 and col. 4, ln. 12-24 and col. 4, ln. 53 to col. 5, ln. 11 and fig. 1) .

The difference between the subject matter of the present independent **claim 1** and the combination of the prior art documents **D1** and **D2** lies in the **pulse carrying authentication codes being applied to the toy on at least one electro conductive track**, as defined in the last part of the characterising portion of the claim.

The problem solved by this feature is therefore; the separate control of at least two vehicle sharing the same track by sending the information data on the electro conductive track itself.

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Although the feature of the '**pulse carrying authentication codes**' being sent on '**at least one electro conductive track**' appears to be commonplace in the present technical field, due to lack of evidence, **at present**, in form of disclosure of this feature in the documents of the available prior art as reflected by the documents of the search report, **claim 1** appears to fulfill the requirements of Article 33(2) and (3) PCT for the above mentioned reasons.

The method defined in the independent **claim 10** is directly derivable from the apparatus claim 1 such that this claim also fulfills the requirements of Article 33(2) and (3) PCT.

Claims 2-9 and 11-12 are dependent on the independent claims 1 and 10 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.